

House, it was read second time and was passed to engrossment.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 11, to the Committee on Counties.

RECESS.

On motion of Mr. Hardy, the House, at 5:50 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

State Affairs: House bills Nos. 36, 49 and 50.

Education: House bills Nos. 44, 45 and 47.

Committee of the Whole House: House bill No. 7.

The Committee on Agriculture filed an adverse report on House bill No. 24.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, September 16, 1931.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 19, A bill to be entitled "An Act repealing Subdivision four (4) of Article 7047, of the Revised Statutes of 1925, as amended by Chapter 212, Acts of the Regular Session of the Forty-second Legislature, levying an occupation tax on peddlers, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

FIFTH DAY.

(Continued.)

(Thursday, September 17, 1931.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Minor.

HOUSE BILL NO. 7 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 7, A bill to be entitled "An Act declaring the soil to be a natural resource of the State; declaring it is a public right and a public duty and made mandatory upon the Legislature of the State of Texas under Section 59 of Article 16 of the Constitution of the State of Texas to enact laws to compel the preservation and conservation of the fertility of the soil; providing that for the purpose of preserving and conserving the soil, preventing waste thereof and erosion of the soil, and to aid in the eradication of, and to prevent the spread of, root rot and all other diseases of the soil, it shall be unlawful for any person, association of persons, firm, corporation or joint stock company, during the year 1932, to plant any cotton seed for the purpose of raising cotton on any land in excess of thirty-three and one-third per cent (33 1-/3%) of the area thereof in cultivation during the year 1931; and to make it unlawful for any person, association of persons, firm, corporation or joint stock company during the year 1933, to plant any cotton seed for the purpose of raising cotton on any land in excess of fifty per cent (50%) of the area thereof in cultivation during the year 1932, etc., and declaring an emergency."

The bill was read second time.

Mr. Johnson of Dimmit offered the following (committee) amendment to the bill:

Amend House bill No. 7 by striking out all above and below the enacting clause and insert in lieu thereof the following:

H. B. No. 7, A bill to be entitled "An Act declaring that it is mandatory under the Constitution of Texas that the Legislature enact laws to compel the preservation, development

and fertility of the soil, preserve the public interest, general welfare and happiness of the people, and that in the exercise of its duty to so preserve and develop the natural resources and promote said general welfare, the Legislature declares that the soil and the fertility thereof adapted to raising cotton and other useful plants are the State's most valuable natural resources; that the growing of cotton is an industry of first importance; that the preservation and restoration of the soil and the fertility thereof is essential to the welfare of the people of the State; that the continuous use of land in growing cotton and other soil-exhausting plants without rotation of crops or intervals has caused to a large portion of the land of the State serious deterioration of the soil and the fertility thereof, disastrous erosion and loss of soil, spread of soil and/or plant diseases, propagation of harmful insects making their elimination or control difficult and deterioration of quality and quantity of crops raised, and that like results will spread over their areas unless prevented, and that the results above enumerated have caused a lack of ability of a large percentage of the farmers of the State to meet the obligations due upon their homes, discharge taxes due them, and injuriously affecting the general welfare of the people, the efficiency of the State government, and that the business of farming has thereby become affected and impressed with a public use, and that in order to alleviate said evils and prevent their further increase, the growing of cotton and other soil-exhausting plants is regulated; providing that in order to preserve and develop the fertility of the soil, to prevent waste and erosion of the soil, to prevent the spread of plant and or soil diseases, and to destroy insects and prevent insect damage, and to preserve the interest of the public, general welfare, peace and happiness of the people, and to carry out each and every purpose specified it is declared to be unlawful for any person, association of persons, firm, corporation or joint stock company or lessee or occupant of any separately owned tract of land in the State, or the agent of the owner thereof, or any person or persons interested therein, to plant, cultivate, or harvest on said separately owned tract of land dur-

ing the year 1932, or during said year 1932, to cause to be planted, cultivated or harvested thereon or permit to be planted, cultivated, or harvested thereon any crop of cotton or other soil-exhausting plant except in feed crops for man and domestic animals, or either, in excess of 33 1/3 per cent of the area of such separately owned tract of land in cultivation in planting crops during the year 1932; providing that said act is not intended to apply or prevent the harvesting of cotton or other plants actually planted, cultivated or grown during the preceding year; and further providing that by cultivated lands is meant lands planted in annual crops; defining the words 'separately owned tract'; further providing that said act shall apply under the same conditions therein imposed with the same liabilities and penalties exacted to all crops of cotton or other soil-exhausting plants planted or cultivated or harvested in the State during the year 1933; providing that it shall be unlawful to plant or cultivate or harvest cotton or any other soil-exhausting plant exceed feed crops for man and domestic animals, or either, on lands of this State two years in succession; providing that for each acre of land so planted or cultivated or harvested or permitted to be planted, cultivated or harvested in violation of this act a liability, forfeiture and penalty of twenty-five dollars (\$25) for each acre is fixed, recoverable by the State of Texas, and payable into the road and bridge fund of the county or counties, respectively, where the violation of this act occurs; fixing venue in the district court; and providing the method of procedure for the institution of said suits, and making it the duty of the several county and district attorneys of the State to institute such proceedings for the enforcement of the provisions of this act and to collect the penalties provided for herein; providing for the granting of injunctions, and that said causes shall have precedence, and that any number of defendants residing in the same county or involving a county line farm may be made parties in the same suit; and providing fees for said attorneys representing the State of Texas of ten per cent (10%) of the amount collected for violation of this act; further providing that in the event of a failure or refusal of the

county and/or district attorneys to perform the duties imposed herein, that the Attorney General of the State of Texas shall, upon the request of the county judge of any county or the Commissioner of Agriculture of the State of Texas, carry out said provisions by the institution of said suits; providing that all State-owned and/or operated farms shall come under the provisions of this act; that any and all laws or parts of laws in conflict herewith are hereby expressly repealed; and providing a saving clause in the event any part of this act should be held unconstitutional or invalid; and declaring that in such an event the remaining part of this act shall remain in full force and effect as the expressed intent of the Legislature, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

"Section 1. It is hereby declared by the Legislature of the State of Texas that it is made mandatory upon the Legislature of the State of Texas under the Constitution of the State to enact laws to compel the preservation and development of the soil and the fertility thereof and to preserve the public interest and the general welfare and happiness of the people and in the exercise of the duty to preserve and develop the natural resources of the State and promote the general welfare of the people, this act is passed.

"The Legislature declares:

"a. The most valuable natural resource of the State is its soil and the fertility thereof adapted to the raising of cotton and other useful plants;

"b. The growing of cotton in the State is an industry of first importance;

"c. The preservation and restoration of the soil and the fertility of the soil is essential to the welfare of the people of the State;

"d. The continuous use of land for the growing of cotton and other soil-exhausting plants, without rotation of crops, or without intervals during which intervals cotton and/or other soil-exhausting plants are not planted has, as to much of the land of the State, caused:

"(1) Serious deterioration of the soil and the fertility thereof;

"(2) Disastrous erosion of the land and loss of fertile soil;

"(3) The spread over wide areas of root rot and other soil and/or plant diseases;

"(4) The propagation of boll weevil, cotton flea and other harmful insects, and made their elimination or control difficult;

"(5) Deterioration of the quality and quantity of the cotton and other plants raised.

"That like results will follow to the other cotton raising areas unless prevented by this legislation; that the deterioration of the soil, and of the fertility of the soil, and of the loss of the soil, the presence of soil and plant diseases and harmful insects, and the deterioration in the quality and a reduction in the quantity per acre of the cotton and other plants raised has resulted in lack of ability on the part of a very large percentage of the farmers of the State to meet the obligations due upon their homes, and/or to discharge the taxes due to the State and/or counties, and/or other political subdivisions, whereby the general welfare of the people is injuriously affected, and the efficiency of the State government greatly impaired, and the business of farming has thereby become affected and impressed with a public use; and now, therefore, in order to alleviate the evils now suffered and to prevent their further increase, the growing of cotton and other soil-exhausting plants is hereby regulated.

"Sec. 2. For the purpose of preserving and developing the fertility of the soil; to prevent waste of the soil; to prevent erosion of the soil; to more effectively prevent the spread of root rot and all other diseases of plants and soil; and to more effectively destroy insects and aid in preventing insect damage; and to preserve the interest of the public and the general welfare, peace, and happiness of the people, and in order to carry out each and every other purpose set out in Section 1 of this act, just as fully as if each of them were fully set out herein, it is hereby declared to be unlawful for any person, association of persons, firm, corporation, or joint stock company, or lessee, or occupant of any separately owned tract of land in the State, or the agent of the owner thereof or any person or persons interested therein to plant, or culti-

vate, or harvest on the said separately owned tract of land during the year 1932, or during said year 1932 cause to be planted, cultivated, or harvested thereon, or permit to be planted, or cultivated, or harvested thereon any crop of cotton or other soil-exhausting plants, excepting feed crops for man and domestic animals, or either, in excess of thirty-three and one-third (33-1/3) per cent of the area of such separately owned tract of land in cultivation in planted crops during the crop year 1932, provided, however, that the above provision is not intended to apply or prevent the harvesting of cotton or other plants actually planted, cultivated and grown during the preceding year.

"The words 'separately owned tract' shall be held to include any single tract or two or more tracts of land in the same county, owned in fee simple or by tenants in common or for life, or as lessee for a term of years or any other title including a right of possession and or control for a longer time than one year, and a 'separately owned tract,' as herein defined, shall constitute the unit for determining the per cent of planting as authorized by this act.

"This section shall also apply under the same conditions imposed therein, and the same liabilities and penalties exacted thereby to all crops of cotton or other soil-exhausting plants planted, or cultivated, or harvested in the State in the year 1933.

"Sec. 3. It shall be unlawful for any person, association of persons, firm, corporation, or joint stock company, or lessee, or occupant of any separately owned tract of land in the State or the agent of the owner thereof, or any person or persons interested therein to plant or cultivate, or harvest cotton or any other soil-exhausting plants, excepting feed crops for man and domestic animals, or either, on any land in this State two years in succession; provided, however, that this section is not intended to apply during 1932 to any crops planted in cotton or other soil-exhausting plants planted during the year 1931. Provided, further, that this section is not intended to apply or prevent the harvesting of cotton or other plants actually planted, cultivated and grown during any preceding year.

"Sec. 4. Every person, firm, corporation, or association of persons,

or joint stock company, or lessee, or occupant of any separately owned tract of land in the State, or agent of the owner thereof or any person or persons interested therein, who shall plant, or cultivate, or harvest, or permit to be planted, cultivated or harvested to cotton or any other soil-exhausting plants any land in this State in violation of this act, for each acre of land so planted, or cultivated, or harvested, or permitted to be planted, or cultivated, or harvested in violation of this act, shall become liable and forfeit to the State and pay into the road and bridge fund of the county or counties, respectively, where the violation occurs the sum of twenty-five dollars (\$25) for each acre of land so planted, or cultivated, or harvested in violation of this act, which may be recovered in the name of the State of Texas, in the district court of any county in the State of Texas in which such violation or violations have occurred and venue is hereby given to such district courts, and where a violation involves a county line farm the suit may be brought in any county in which any part of said farm is situated.

"Sec. 5. Upon the sworn complaint of any citizen of this State that any part of this act is being, has been or is threatened to be violated, or upon the request of the county judge of any county in this State, or of the Commissioner of Agriculture of this State, it is hereby made the duty of the several county and district attorneys of this State to institute injunction proceedings in the proper courts in the county in which such violation or violations have occurred as above specified in the name of the State as plaintiff, against the persons complained of as defendants to enforce the provisions of this act and collect the penalties provided for herein and to prevent any violation thereof, and said county and/or district attorney instituting any suit under this act shall ask for an injunction, and if the court finds that the provisions of this act have been violated or that violation is threatened or about to take place the court shall without requiring bond grant said injunction restraining the defendant or defendants from violating the provisions of this act, and the court shall forthwith hear and determine the issues raised by such prayer of injunction, and any such injunction so issued shall not be suspended

pending appeal thereon unless and until final adjudication thereof by the appellate court. In such suit or suits any number of defendants residing within the same county or involving a county line farm may be made parties thereto and the joinder of more than one defendant in the same action shall not be cause to abate said action. All actions brought under this act on motion of attorney for the State shall have precedence of all other business, civil or criminal, except criminal cases where the defendants are in jail. The fees for representing the State in all proceedings under this act shall be ten per cent (10%) of the amount collected for its violation. It is hereby made the duty of all the inspectors of the State Department of Agriculture, of the Live Stock Sanitary Commission and all county farm demonstration agents in the various counties of the State to assist in the enforcement of this act by observing the acreage planted to cotton as compared to the total cultivated acreage and to report any and all violations of this act to the proper enforcement officers, and to furnish testimony upon which to base complaints.

"Sec. 6. In the event the county and/or district attorney fails and/or refuses to perform the duties as required by this act, then, upon the request of the county judge of any county or the Commissioner of Agriculture of the State of Texas, it shall be the duty of the Attorney General of Texas to carry out said provisions by the institution of said suits as provided herein.

"Sec. 7. It is the intention of this act that all farms owned and/or operated by the State of Texas, or any of its governmental agencies, shall be and are hereby declared to be subject to the provisions of this act.

"Sec. 8. Any and all laws and parts of laws in conflict herewith are hereby expressly repealed.

"Sec. 9. In event any section, subsection, paragraph, sentence or clause or any part of this act shall be held by the courts to be unconstitutional or invalid, then such holding shall not affect the remaining part of this act, and in such an event the remaining part of this act shall be and remain in full force and effect as the express intent of the Legislature.

"Sec. 10. The importance of the

subject matter herein contained, and the fact that the laws of Texas are inadequate to carry out the constitutional provisions for the preservation, development and conservation of the soil and the fertility thereof and to preserve the public interest and the general welfare and happiness of the people; the immediate necessity of enacting an adequate law to prevent deterioration, erosion, and loss of fertility of the soil; and to prevent soil and plant disease and the propagation and spread of harmful insect pests; and to maintain and increase the quality of cotton and other farm plants raised; the limited time in which the Legislature may act, creates an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Johnson of Dimmit offered the following amendment to the (committee) amendment:

Amend House bill No. 7, Section 2, page 5, by striking out all of lines 4 and 5 and all of the words in line 3 after the word "apply," and insert in lieu thereof the following: "to the harvesting of crops lawfully planted." Also amend Section 3, page 5, by striking out all of line 27 after the "period," and all of lines 28, 29 and 30, and insert in lieu thereof the following: "provided that this section shall not apply to the harvesting of crops lawfully planted."

VAN ZANDT,

DALE,

JOHNSON of Dimmit.

The amendment was adopted.

Mr. Terrell of Cherokee offered the following amendment to the (committee) amendment:

Amend (committee) amendment to House bill No. 7, page 4, line 34, by striking out the words and figures "33 1/3 per cent" and insert in lieu thereof the words and figures "25 per cent."

TERRELL of Cherokee,
SATTERWHITE,
COX of Limestone.

Mr. Lemens offered the following substitute for the amendment by Mr. Terrell of Cherokee:

Amend (committee) amendment No.

1 to House bill No. 7, page 3, lines 4 and 5, by striking out "thirty-three and one-third (33 1/3) per cent" and inserting in lieu thereof the following: "fifty (50) per cent."

LEMENS,
KENNEDY,
MOFFETT.

Mr. Van Zandt moved the previous question on the pending amendment and the substitute, and the main question was ordered.

Question first recurring on the substitute amendment by Mr. Lemens and Mr. Kennedy, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—38.

Adamson.	Harman.
Akin.	Kennedy.
Alsup.	Lemens.
Anderson.	Lockhart.
Baker.	McCombs.
Barron.	Mehl.
Beck.	Moffett.
Bond.	Ray.
Bounds.	Rogers.
Brice.	Savage.
Burns of Walker.	Smith of Wood.
El'iot.	Sparkman.
Farmer.	Stephens.
Ferguson.	Towery.
Finn.	Van Zandt.
Fisher.	Vaughan.
Graves.	Veatch.
Greathouse.	Wagstaff.
Hardy.	Weinert.

Nays—66.

Adkins.	Hatchitt.
Bryant.	Herzik.
Burns	Hill.
of McCulloch.	Hines.
Carpenter.	Holland.
Caven.	Holloway.
Coltrin.	Hoskins.
Coombes.	Hubbard.
Cox of Lamar.	Jackson.
Cox of Limestone.	Johnson
Dale.	of Dimmit.
Davis.	Johnson of Morris.
Dodd.	Jones of Atascosa.
Donnell.	Justiss.
Dowell.	Keller.
Dwyer.	Laird.
Ford.	Lee.
Fuchs.	McGill.
Gilbert.	Moore.
Giles.	Morse.
Goodman.	Munson.
Hansen.	Murphy.
Harrison	Nicholson.
of Waller.	Olsen.

O'Quinn.	Stevenson.
Patterson.	Strong.
Ramsey.	Sullivant.
Ratliff.	Terrell
Reader.	of Cherokee.
Richardson.	Turner.
Satterwhite.	Walker.
Scott.	West of Coryell.
Shelton.	West of Cameron.
Sherrill.	Westbrook.
Smith of Bastrop.	Young.

Absent.

Adams of Harris.	Johnson of Dallam.
Adams of Jasper.	Jones of Shelby.
Boyd.	Leonard.
Brooks.	Lilley.
Claunch.	Long.
Cunningham.	McGregor.
Daniel.	Magee.
DeWolfe.	Martin.
Dunlap.	Mathis.
Duvall.	Metcalfe.
Engelhard.	Petsch.
Forbes.	Pope.
Grogan.	Rountree.
Harrison	Sanders.
of El Paso.	Tarwater.
Hefley.	Terrell
Holder.	of Val Verde.
Howsley.	Wiggs.
Hughes.	Wyatt.

Absent—Excused.

Albritton.	Lasseter.
Bedford.	McDougald.
Bradley.	Steward.
Farrar.	Warwick.
Kayton.	

Question then recurring on the amendment by Mr. Terrell of Cherokee, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—47.

Adkins.	Holloway.
Anderson.	Hubbard.
Bryant.	Jackson.
Burns of Walker.	Johnson
Coombes.	of Dallam.
Cox of Lamar.	Johnson
Cox of Limestone.	of Dimmit.
Dale.	Johnson of Morris.
Davis.	Jones of Shelby.
Dodd.	Justiss.
Dwyer.	Keller.
Finn.	McGill.
Ford.	Magee.
Gilbert.	Nicholson.
Greathouse.	Olsen.
Hanson.	Ramsey.
Hatchitt.	Ratliff.
Hill.	Reader.
Hines.	Richardson.

Satterwhite.	Terrell
Scott.	of Cherokee.
Sherrill.	Towery.
Smith of Wood.	Walker.
Strong.	Westbrook.
Sullivant.	Young.

Nays—56.

Adamson.	Hoskins.
Akin.	Kennedy.
Alsup.	Laird.
Baker.	Lee.
Barron.	Lemens.
Beck.	Lockhart.
Bond.	McCombs.
Bounds.	Moffett.
Brice.	Moore.
Burns	Morse.
of McCulloch.	Munson.
Carpenter.	Murphy.
Caven.	Patterson.
Coltrin.	Ray.
Donnell.	Rogers.
Dowell.	Savage.
Elliott.	Shelton.
Engelhard.	Smith of Bastrop.
Farmer.	Sparkman.
Ferguson.	Stephens.
Fuchs.	Stevenson.
Giles.	Turner.
Goodman.	Van Zandt.
Graves.	Vaughan.
Hardy.	Veatch.
Harman.	Wagstaff.
Harrison	Weinert.
of Waller.	West of Coryell.
Herzik.	West of Cameron.

Present—Not Voting.

Fisher.

Absent.

Adams of Harris.	Jones of Atascosa.
Adams of Jasper.	Leonard.
Boyd.	Lilley.
Brooks.	Long.
Claunch.	McGregor.
Cunningham.	Martin.
Daniel.	Mathis.
DeWolfe.	Metcalfe.
Dunlap.	O'Quinn.
Duvall.	Petsch.
Forbes.	Pope.
Grogan.	Rountree.
Harrison	Sanders.
of El Paso.	Tarwater.
Hefley.	Terrell
Holder.	of Val Verde.
Holland.	Wiggs.
Howsley.	Wyatt.
Hughes.	

Absent—Excused.

Albritton.	Lasseter.
Bedford.	McDougald.
Bradley.	Mehl.
Farrar.	Steward.
Kayton.	Warwick.

Mr. Kennedy moved to reconsider the vote by which the amendment was lost and to table the motion to reconsider.

The motion to table prevailed.

Mr. Keller moved the previous question on the pending amendments on the Speaker's stand, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Akin offered the following amendment to the (committee) amendment:

Amend House bill No. 7, page 5, by striking out lines 14, 15, 16 and 17.

AKIN,
YOUNG,
MOFFETT.

On motion of Mr. Keller, the amendment was tabled.

Mr. Stephens offered the following amendment to the (committee) amendment:

Amend House bill No. 7, page 7, by striking out all the words after the "comma" in line 11, down to and including the word "State" in line 12.

Mr. Donnell offered the following substitute for the amendment by Mr. Stephens:

Amend House bill No. 7, page 7, Section 5, by striking out all of that part of said Section 5, beginning at the word "it" in line 9 and continuing through to the end of the section in line 17.

Mr. Hubbard moved the previous question on the pending amendment and the substitute by Mr. Donnell, and the main question was ordered.

Question first recurring on the substitute amendment, it was lost.

Question next recurring on the amendment by Mr. Stephens, it was adopted.

Mr. Coombes offered the following amendment to the (committee) amendment:

Amend House bill No. 7, page 4, line 25; page 5, line 19; page 5, line 32, by inserting the words "being the owner" between the "comma" following the word "company" and the words "or lessee."

The amendment was adopted.

Mr. Johnson of Dimmit offered the following amendment to the (committee) amendment:

Amend House bill No. 7 by striking out in line 10, page 5, of the mimeographed bill, the words "for a longer time than one year."

The amendment was adopted.

Mr. Jones of Atascosa offered the following amendment to the (committee) amendment:

Amend House bill No. 7 by striking out in lines 29 and 30, page 6, the following words: "without requiring bond."

Mr. Johnson of Dimmit moved to table the amendment, and the motion to table was lost.

Question then recurring on the amendment, it was lost.

Mr. Lockhart offered the following amendment to the bill:

Amend House bill No. 7 by striking out line 1, page 3.

Mr. Morse moved the previous question on the pending amendment, and the main question was ordered.

Question recurring on the amendment by Mr. Lockhart, it was lost.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 17, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 5, Relative to certain statements carried in the press, issued by Governor Huey P. Long of Louisiana.

S. C. R. No. 6, Petitioning the War Department to suspend the immediate abandonment of certain army posts in Texas.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL ORDERED NOT PRINTED.

On motion of Mr. Satterwhite, House bill No. 52 was ordered not printed.

RECESS.

On motion of Mr. Forbes, the House at 12 o'clock m. took recess to 2 o'clock p. m., today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 7 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 7 relative to the reduction of cotton acreage, the bill having heretofore been read second time with (committee) amendment by Mr. Johnson of Dimmit, pending.

Mr. Hoskins offered the following amendment to the (committee) amendment:

Amend House bill No. 7 by adding at the end of Section 7 on page 7, the following:

"Provided that all experimental farms maintained by State or Federal governmental agencies and all areas of land cultivated by or under the direction of either State or Federal governmental agencies for experimental purposes or for developing or improving varieties of cotton or other farm plants shall be exempt from all the provisions of this bill."

**HOSKINS,
ROUNTREE.**

The amendment was adopted.

Mr. Bryant offered the following amendment to the (committee) amendment:

On motion of Mr. Keller, the amendment was tabled.

Mr. Farmer offered the following amendment to the (committee) amendment:

Amend House bill No. 7 by striking out the word "not" in line 34, page 6, and the word "unless."

On motion of Mr. Keller, the amendment was tabled.

Mr. Terrell of Cherokee offered the following amendment to the (committee) amendment:

Amend House bill No. 7, page 7, Section 5, by adding at the close of said section the following: "It is hereby declared to be the intention of the Legislature not to have this act enforced."

On motion of Mr. Moffett, the amendment was tabled.

Mr. Richardson offered the following substitute amendment for the (committee) amendment:

Amend House bill No. 7 by striking out all after the enacting clause and substitute the following:

"Section 1. No landowner, landlord, lessee or farmer of lands in this State, shall hereafter plant, or permit his tenants or lessees to plant,

more than fifty per cent (50%) of his cultivated lands in any year to any one annual cultivated crop. By cultivated lands is meant lands usually cultivated by plowing while growing. Provided, this act shall apply only to field crops. Provided further, more than fifty per cent (50%) of such lands may be planted to corn if soy beans, peas or other legumes are planted therewith.

"Sec. 2. Any one farm in one county, operated and cultivated under one management, shall constitute the unit for determining the per cent of crop planting.

"Sec. 3. Any landowner, landlord, agent for landowners, lessee, tenant or farmer, who shall violate the provisions of Section 1 of this act shall, upon conviction, be adjudged guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000), and may be also confined in the county jail not more than six months.

"Sec. 4. No landowner or landlord who requires or knowingly permits any lessee or tenant of any farm, as defined in Section 2 of this act, to plant more than fifty per cent (50%) of his cultivated lands in any year in any one annual cultivated crop, shall have or enforce a lien, whether created by law or by contract on any crop raised by such tenant or lessee, for rent or for supplies furnished to make such crop.

"Sec. 5. Any prosecuting attorney, sheriff, constable or other peace officer who may have knowledge, or who shall be given reliable information, of any violation of this act, who shall refuse or fail to proceed under the law for the arrest and trial of such offender, shall be liable, upon conviction, to removal from office, and imprisonment in the penitentiary for one year.

"Sec. 6. The fact that lands devoted to the growing of one cultivated crop for many years without rotation results in soil depletion, loss of its fertility, and that it ceases to respond to cultivation, and the further fact that there are no laws in this State requiring proper conservation and crop rotation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby sus-

pended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

On motion of Mr. Hubbard, the amendment by Mr. Richardson was tabled.

Mr. Brice offered the following amendment to the (committee) amendment:

Amend House bill No. 7, line 34, page 4, by striking out the words and figures "thirty-three and one-third (33 1/3) per cent" and insert in lieu thereof the following: "forty per cent."

On motion of Mr. Keller, the amendment was tabled.

Mr. Anderson offered the following amendment to the (committee) amendment:

Amend House bill No. 7 by adding the following section:

"Section 11. No male person below the age of sixteen years and no female person, regardless of age, will be employed in the cultivation of cotton in the State of Texas. Anyone violating the provisions of this section by permitting such person to cultivate cotton in which they may have an interest shall be deemed guilty of a misdemeanor and upon conviction thereof will be fined in the sum of twenty-five dollars (\$25) and every day such violation occurs will constitute a separate offense."

Mr. Satterwhite moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Anderson, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—23.

Alsop.	McGregor.
Anderson.	Mehl.
Beck.	Morse.
Bond.	O'Quinn.
Duvall.	Patterson.
Farmer.	Ramsey.
Hardy.	Reader.
Hughes.	Rogers.
Johnson of Morris.	Smith of Wood.
Keller.	Tarwater.
Lockhart.	Van Zandt.
McCombs.	

Nays—88.

Adams of Jasper.	Bounds.
Adamson.	Boyd.
Adkins.	Brice.
Baker.	Brooks.

Bryant.	Hubbard.
Burns of Walker.	Jackson.
Burns	Johnson
of McCulloch.	of Dimmit.
Carpenter.	Justiss.
Caven.	Kennedy.
Coltrin.	Lee.
Coombes.	Lemens.
Cox of Lamar.	McDougald.
Cox of Limestone.	McGill.
Cunningham.	Magee.
Dale.	Metcalf.
Daniel.	Moffett.
Davis.	Moore.
Dodd.	Munson.
Donnell.	Murphy.
Dwyer.	Nicholson.
Elliott.	Olsen.
Engelhard.	Ratliff.
Ferguson.	Ray.
Fisher.	Richardson.
Forbes.	Rountree.
Ford.	Satterwhite.
Fuchs.	Savage.
Giles.	Scott.
Goodman.	Sherrill.
Graves.	Smith of Bastrop.
Greathouse.	Sparkman.
Grogan.	Stephens.
Hanson.	Strong.
Harman.	Terrell
Harrison	of Cherokee.
of El Paso.	Towery.
Harrison	Turner.
of Waller.	Vaughan.
Hatchitt.	Veatch.
Hefley.	Walker.
Herzik.	Weinert.
Hines.	West of Coryell.
Holder.	Westbrook.
Holloway.	Wiggs.
Hoskins.	Young.
Howsley.	

Present—Not Voting.

Jones of Atascosa.

Absent.

Adams of Harris.	Lilley.
Akin.	Long.
Barron.	Martin.
Claunch.	Mathis.
DeWolfe.	Petsch.
Dowell.	Pope.
Dunlap.	Sanders.
Finn.	Shelton.
Gilbert.	Stevenson.
Hill.	Sullivant.
Holland.	Terrell
Johnson	of Val Verde.
of Dallam.	Wagstaff.
Jones of Shelby.	West of Cameron.
Laird.	Wyatt.
Leonard.	

Absent—Excused.

Albritton.	Kayton.
Bedford.	Lasseter.
Bradley.	Steward.
Farrar.	Warwick.

The (committee) amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House bill No. 7 was then passed to engrossment by the following vote:

Yeas—87.

Adams of Jasper.	Hughes.
Adamson.	Jackson.
Adkins.	Johnson
Baker.	of Dimmit.
Barron.	Johnson of Morris.
Bond.	Jones of Atascosa.
Boyd.	Justiss.
Bryant.	Keller.
Burns of Walker.	Laird.
Burns	Lee.
of McCulloch.	Lemens.
Carpenter.	McGill.
Caven.	Magee.
Claunch.	Mehl.
Coltrin.	Metcalf.
Cox of Lamar.	Moffett.
Cox of Limestone.	Munson.
Cunningham.	Murphy.
Dale.	Olsen.
Davis.	Ratliff.
Dodd.	Ray.
Donnell.	Reader.
Dunlap.	Richardson.
Dwyer.	Rountree.
Elliott.	Satterwhite.
Engelhard.	Savage.
Ferguson.	Scott.
Fisher.	Sherrill.
Forbes.	Smith of Bastrop.
Ford.	Smith of Wood.
Fuchs.	Sparkman.
Giles.	Strong.
Goodman.	Tarwater.
Graves.	Terrell
Grogan.	of Cherokee.
Hanson.	Towery.
Harman.	Turner.
Harrison	Vaughan.
of El Paso.	Veatch.
Hatchitt.	Wagstaff.
Hefley.	Weinert.
Herzik.	West of Coryell.
Hines.	Westbrook.
Holder.	Wiggs.
Hoskins.	Young.
Hubbard.	

Nays—34.

Akin.	Lockhart.
Alsup.	McCombs.
Anderson.	McDougald.
Beck.	McGregor.
Bounds.	Moore.
Brice.	Morse.
Brooks.	Nicholson.
Coombes.	O'Quinn.
Daniel.	Patterson.
Duvall.	Ramsey.
Farmer.	Rogers.
Greathouse.	Sanders.
Hardy.	Stephens.
Harrison	Terrell of Val Verde.
of Waller.	Van Zandt.
Holloway.	Walker.
Howaley.	West of Cameron.
Kennedy.	

Absent.

Adams of Harris.	Lilley.
DeWolfe.	Long.
Dowell.	Martin.
Finn.	Mathis.
Gilbert.	Petsch.
Hill.	Pope.
Holland.	Shelton.
Johnson	Stevenson.
of Dallam.	Sullivant.
Jones of Shelby.	Wyatt.
Leonard.	

Absent—Excused.

Albritton.	Kayton.
Bedford.	Lasseter.
Bradley.	Steward.
Farrar.	Warwick.

HOUSE BILL NO 7 ON THIRD READING.

Mr. Johnson of Dimmit moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113.

Adams of Jasper.	Carpenter.
Adamson.	Caven.
Adkins.	Claunch.
Akin.	Coltrin.
Alsup.	Coombes.
Baker.	Cox of Lamar.
Barron.	Cox of Limestone.
Beck.	Cunningham.
Bond.	Dale.
Boyd.	Daniel.
Brice.	Davis.
Brooks.	Dodd.
Bryant.	Donnell.
Burns of Walker.	Dunlap.
Burns	Dwyer.
of McCulloch.	Elliott.

Engelhard.	McDougald.
Ferguson.	McGill.
Fisher.	Magee.
Forbes.	Mehl.
Ford.	Metcalf.
Fuchs.	Moffett.
Gilbert.	Munson.
Giles.	Murphy.
Goodman.	Nicholson.
Graves.	Olsen.
Greathouse.	O'Quinn.
Grogan.	Patterson.
Hanson.	Ramsey.
Hardy.	Ratliff.
Harman.	Ray.
Harrison	Reader.
of El Paso.	Richardson.
Harrison	Rogers.
of Waller.	Rountree.
Hatchitt.	Satterwhite.
Hefley.	Savage.
Herzik.	Scott.
Hines.	Sherrill.
Holder.	Smith of Bastrop.
Holland.	Smith of Wood.
Holloway.	Sparkman.
Hoskins.	Stephens.
Howsley.	Strong.
Hubbard.	Tarwater.
Hughes.	Terrell of Cherokee.
Jackson.	Towery.
Johnson	Turner.
of Dallam.	Van Zandt.
Johnson	Vaughan.
of Dimmit.	Veatch.
Johnson of Morris.	Wagstaff.
Jones of Atascosa.	Walker.
Justiss.	Weinert.
Keller.	West of Coryell.
Kennedy.	West of Cameron.
Laird.	Westbrook.
Lee.	Wiggs.
Lemens.	Young.

Nays—11.

Anderson.	McGregor.
Bounds.	Moore.
Duvall.	Morse.
Farmer.	Sanders.
Lockhart.	Terrell of Val Verde.
McCombs.	

Absent.

Adams of Harris.	Martin.
DeWolfe.	Mathis.
Dowell.	Petsch.
Finn.	Pope.
Hill.	Shelton.
Jones of Shelby.	Stevenson.
Leonard.	Sullivant.
Lilley.	Wyatt.
Long.	

Absent—Excused.

Albritton.	Kayton.
Bedford.	Lasseter.
Bradley.	Steward.
Farrar.	Warwick.

The Speaker then laid House bill No. 7 before the House on its third reading and final passage.

The bill was read third time.

Mr. Brooks offered the following amendment to the bill:

Amend committee substitute at the end of Section No. 9 by adding thereto a new section to be known as "Section No. 9a," as follows:

"Sec. 9a. Be it further enacted by the Legislature of the State of Texas that in order to further promote and preserve the public interest and general welfare and happiness of the people and in the exercise of the State's duty to preserve and develop the natural inherent aesthetic nature of the children, born and unborn, in this State, the Legislature declares the most valuable asset of the State is its children, it is hereby declared to be unlawful for any person, association of persons, firm, corporation, or joint stock company, or lessee of any home or rent house in the State to rent same without a complete renovation and fumigation of said home or rent house according to the standard as set by the State Board of Health and the further installation in each home or rent house of a nursery suitable to the needs of a family of five, and said nursery to be equipped and interior decorations to be in accord with plans to be submitted by the State Board of Education. And, further declaring it shall be unlawful to collect rent from any lessee or tenant unless said home or rent house has been suitably painted by a reputable painter in general accord with the surrounding environment, and further that no leaks shall be permitted in any roof of any house or rent house for a longer period than thirty days, that earthly possessions of such inhabitants may not be soiled or destroyed, but may be preserved for the benefit of the State of Texas.

"All actions or petitions brought under this act by attorneys of the State, lessee or tenant, shall have precedence of all other business, civil or criminal, and in event any part of this section shall be held by the Legislature to be unconstitutional or invalid, then such holdings shall not affect the remaining part of this section, and in such an event the remaining part of this section shall be and

remain in full force and effect as the express intent of the Legislature."

(Mr. Sanders in the chair.)

Mr. Kennedy raised a point of order on further consideration of the amendment on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Hubbard moved the previous question on the passage of the bill, and the main question was ordered.

House bill No. 7 was then passed by the following vote:

Yeas—89.

Adams of Jasper.	Jackson.
Adamson.	Johnson
Adkins.	of Dimmit.
Baker.	Johnson of Morris.
Barron.	Jones of Shelby.
Bond.	Jones of Atascosa.
Boyd.	Justiss.
Burns of Walker.	Kennedy.
Carpenter.	Laird.
Caven.	Lee.
Cox of Lamar.	Lemens.
Cox of Limestone.	Long.
Cunningham.	McGill.
Dale.	Magee.
Davis.	Metcalfe.
Dodd.	Moffett.
Donnell.	Munson.
Dowell.	Murphy.
Dunlap.	Olsen.
Elliott.	Petsch.
Engelhard.	Ratliff.
Ferguson.	Ray.
Finn.	Reader.
Fisher.	Richardson.
Forbes.	Rountree.
Ford.	Satterwhite.
Fuchs.	Savage.
Gilbert.	Scott.
Giles.	Shelton.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Strong.
Harman.	Tarwater.
Harrison	Terrell
of El Paso.	of Cherokee.
Hatchitt.	Towery.
Hefley.	Turner.
Herzik.	Vaughan.
Hines.	Veatch.
Holder.	Wagstaff.
Holland.	Weinert.
Holloway.	West of Coryell.
Hoskins.	Westbrook.
Hubbard.	Wiggs.
Hughes.	Young.

Nays—34.

Akin.	McCombs.
Alsup.	McDougald.
Anderson.	McGregor.
Beck.	Mehl.
Bounds.	Moore.
Brice.	Morse.
Brooks.	Nicholson.
Coombes.	O'Quinn.
Daniel.	Patterson.
Duvall.	Ramsey.
Hanson.	Rogers.
Hardy.	Sanders.
Harrison	Sherrill.
of Waller.	Stephens.
Howsey.	Terrell of Val Verde.
Johnson	Van Zandt.
of Dallam.	Walker.
Lockhart.	West of Cameron.

Absent.

Adams of Harris.	Keller.
Bryant.	Leonard.
Burns	Lilley.
of McCulloch.	Martin.
Claunch.	Mathis.
Coltrin.	Pope.
DeWolfe.	Stevenson.
Dwyer.	Sullivant.
Farmer.	Wyatt.
Hill.	

Absent—Excused.

Albritton.	Kayton.
Bedford.	Lasseter.
Bradley.	Steward.
Farrar.	Warwick.

Mr. Johnson of Dimmit moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

Paired.

Mr. Farmer (present), who would vote "nay," with Mr. Bryant (absent), who would vote "yea."

Reasons for Vote.

I have in this session voted against each of the bills submitted for the purpose of limiting the planting of cotton by the farmers of this State in any respect. I have cast these votes because I am convinced that none of the bills could possibly be sustained in the courts of this State, and for the further reason that I consider this character of legislation dangerous to the interests of the State. In periods of depression the public frequently becomes impassioned and is led to a willingness to lay aside the safeguards of the Constitution in order to secure momen-

tary relief. There is no more reason why the Legislature should artificially stimulate the price of cotton than there is why it should artificially stimulate the price of labor, beans, watermelons, or any other crop or commodity. When the State undertakes to regulate economic conditions by statutory enactment it establishes a dangerous precedent and undertakes an impossible task. One class has as much right to demand legislative relief as another class and soon the law-making body of the State would become a mere instrument in the hands of interested groups for the purpose of controlling prices generally. Such legislation can but result in serious conflict between various groups of citizens, each of whom may conscientiously feel that they are entitled to legislative assistance in bringing about higher prices for the things that they deal in. These bills clearly have for their purpose the bringing about of higher prices for cotton by exerting force through the strong arm of the law upon the farmers of this State by means of which force they are to be compelled to decrease the planting and raising of the crop on their own land. Such an encroachment upon the rights of private citizens to the use of their private property is contrary to the spirit of the American system of government, and except for the present chaotic conditions confronting all of our people, such unconstitutional interference with the use of private property would be unanimously condemned. This proposed encroachment seems justified, but if permitted it may serve as a precedent for the further encroachment upon the rights of individuals by the State government, and such further encroachment may not always be for such a laudable purpose. When we so depart from our American doctrine that a man cannot enjoy complete liberty in the use of his property we have taken the first step toward the destruction of the right to the use and enjoyment of private property, and have taken the first step toward a complete destruction of those things which make of the American people the freest and happiest people in the world. While it is possible that momentary relief might be brought to the farmers of Texas by the enactment of the proposed legislation, I deem the proposals to be unconstitutional. Be-

believing that the proposals are unconstitutional, I cannot believe that any circumstance can justify their passage. The Constitution is not to be made to mean one thing at one time, and another at some subsequent time, when the circumstances may have so changed as perhaps to make a different rule seem desirable. The principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or to be modified by public opinion. It is with special reference to the varying moods of public opinion, and with a view to putting the fundamentals of government beyond their control that constitutions are framed; and there can be no such steady and imperceptible change in their rules as inheres in the principles of the common law. Those beneficent maxims of the common law, which guard person and property, have grown and expanded until they mean vastly more to us than they did to our ancestors, and are more minute, particular, and pervading in their protection; and we may confidently look forward in the future to still further modifications in the direction of improvement. Public sentiment and action effect such changes, and the courts recognize them; but if a court or Legislature should allow a change in public sentiment to influence it in the intention of its founders it would be justly chargeable with reckless disregard of official oath and public duty, and, if its course could become a precedent, these instruments would be of little avail. The violence of public passion is quite as likely to be in the direction of oppression as in any other; and the necessity for Bills of Rights in our fundamental laws lies mainly in the danger that the Legislature will be influenced by temporary excitements and passions among the people to adopt oppressive enactments. The meaning of the Constitution is fixed when it is adopted, and there is no difference at any time due to the existing demands of any group of people. This Legislature ought to be bound by the Constitution; it governs literally, thus a pillar of cloud by day, and by night a pillar of fire; to give us light, and with us, it is "to go by day and by night." If we are at liberty to extend or construe the Constitution so

as to permit something to be done which is prohibited by it, under the guise or in aid of legislation deemed to be helpful and beneficial, the precedent is made, and in other and evil times this or some other Legislature may seek to more dangerously construe the Constitution with the action of this session of the Legislature as a basis, in respect to some matters which may both vex and harass the people of this State. The Constitution is the organic law of the land. It stands, and should stand, unless otherwise declared in the manner provided by law, unchanged and unchangeable.

"The shouting and tumult dies,
The captains and the kings depart,"
but the Constitution, while it remains our Constitution, is the same yesterday, today, and forever. It means the same thing everywhere and to all men. It is the shield of the weak, the protection of all alike, none are too poor to invoke its protection, and none too strong to escape its power. There is no place where its voice should not be heard, and truly its lines should go out throughout all the land.

It is as important to the citizens of this State that their rights should not be invaded in violation of the constitutional guarantees as it is that any act of the Legislature should be passed for the assistance of any particular group. If a legislator can justify himself in violating the spirit of the Constitution, which is a protection of the people against the encroachment of the Legislature upon the rights by citing public clamor for particular legislation as his reason, the same legislator could justify himself in utterly ignoring the Constitution in any other respect, and the fact that a considerable number of people seem to think ignoring the Constitution advisable, would be to him sufficient reason for summarily setting it aside.

I cannot become a party by my vote to setting aside the Bill of Rights which protects the liberty of the people of Texas because of the urgent demand made on the part of the farmers of this State for protection which it is beyond the power of the Legislature to constitutionally grant.

DUVALL.

The above reasons adopted by Pat-terson of Fort Worth.

We vote "yea" on the motion to adopt the "1932 prohibition cotton plan" for the reasons:

1. It is the unmistakable demand of Texas farmers.

2. With approximately 25,000,000 bales now on hand, the South has 2,500,000 bales more than a two years' supply without a new crop.

3. It is the only plan advocated that offers any hope of being concurred in by other cotton-growing States, and for any law to be effective, it must be uniform among the States.

4. It holds strong logical reasons and hopes that the price of the present crop will be advanced to a fair price, say 15 cents per pound, and if true, this would relieve the cotton industry in the most satisfactory way.

5. The amendment embodies the good features of other bills, viz.: conservation, rotation, and diversification.

GILBERT,
JONES of Atascosa,
ROGERS,
FISHER,
SMITH of Wood,
JOHNSON of Morris,
DODD,
HOLLOWAY,
JONES of Shelby.

I voted against House bill No. 7 as amended, being the cotton restriction bill, because I believe the bill to be unconstitutional in that it endeavors to tell a certain group of men how they might use their own property which is not affected with a public interest and thereby discriminates as against the use by other people of the same kind of property, and further in that it endeavors to limit the use of land to one product and is thereby discriminatory in that it does not effect any other kind of crops and I believe under those conditions the courts of this State will hold such a bill contrary to the rights and privileges of property owners and the individual freedom of citizens of this State and therefore unconstitutional. Secondly, because I believe it a bad policy to turn over to the State Government the management of private business; and thirdly, because I believe such a policy as is provided in this bill will gradually lead to the general restricting of the

personal rights and privileges guaranteed to citizens of this State under the Constitution thereof and will eventually lead to Socialism and Communism; and fourthly, I do not believe that this is a time when such radical departures and changes from our former procedure should be had. I do not believe that such a bill is for the best interests of the citizens as a whole. I therefore vote "no" on the above mentioned bill and offer these above suggestions as my reasons therefore.

HARDY.

On the acreage reduction bill, I voted "nay" for the following reasons: So far as I have been able to learn the sentiment of the people in my County of Tarrant, they desire a reduction of 50% in the acreage. In the Committee of the Whole I voted for the Kennedy amendment that proposed a 50% reduction. In the House, I voted for the Lemens amendment of the 50% reduction. Both of them have been defeated. I do not believe my people wanted the Long plan or the 25% or 33-1/3% plan. So I have voted against all of them. I am opposed to trying to regulate the price of anything by law that is not affected with a public interest. Commodities like cotton should be subject to the law of supply and demand like all other commodities. Government in business is wrong. Corn, I am informed, is selling as low as 5 to 15 cents a bushel; wheat, as low as 25 and 35 cents a bushel; oats, as low as 10 to 20 cents a bushel. I do not know what the people would do with their land or what they would be able to plant to give employment. No cotton in the South would bankrupt it and cause it to lose its supremacy in the markets of the country as to cotton, and Russia would get these markets at her door. I voted against this bill for the further reason that it is unconstitutional, knowing full well the rights of one to use his land for his own purposes so long as he does not injure the public health, the public morals or the public safety, and these rights and the law applying to them are very clearly set forth in the case of Spann against the City of Dallas, found in 235 S. W., page 514. The cotton pickers alone in Texas will reap \$30,000,000 this year for their services in picking cotton. What would they do if they did not have the

opportunity to pick cotton and make a living? Many allied industries that have invested in them millions of dollars would be idle and probably bankrupt by such action. We cannot expect to have one commodity made high in price by law while others are low. There are many other sound reasons why this law is unconstitutional, impolitic and contrary to public policy. The trouble is under-consumption and not over-production. The Federal Government should pass a law to provide that the States may use a part of their national credit for the building of extensive public improvements to give employment to their unemployed, and, thereby, the consumption would be increased in the restoration of the buying power.

FARMER.

We vote "aye" on House bill No. 7 on final passage. We have our doubts of the constitutionality of the bill; of its effectiveness to do what is expected of it, and of its enforceability, but we are yielding our views in the interest of trying to do something for the sorely distressed farmers of Texas.

HOLLOWAY,
JONES of Atascosa.

I voted against the final passage of House bill No. 7 because it fails to give relief for which the Governor called the Session. The bill will cut down in one place and encourage to extend cotton in other parts of the country.

HANSON.

In voting for the cotton acreage reduction bill, I am not voting my own judgment, but am casting my vote as a representative of the people for what I believe to be the overwhelming sentiment of the farmers of my district and of the State at large. It is believed by many farmers that the reduction of acreage by law will advance the price of cotton, and it may cause some advance in price, but the reduction should be made by voluntary action and not by law. Such a law in my judgment is unconstitutional and wrong in principle and if upheld by the courts will lead to more radical and dangerous laws in the future. If such laws are to be enacted an amendment to the Constitution should have

been submitted to the people and let them authorize the Legislature to enact such a law and thus make it legal. We should not criticise the laws of Soviet Russia after the passage of this law. The enforcement of this act will be very difficult, if not impossible and I will leave the courts to determine its constitutionality.

TERRELL of Cherokee.

I vote "yea" on House bill No. 7 for the reason that I am convinced that the great majority of the people of my district favor cotton acreage reduction by law, and I feel that my vote should represent the sentiment of my district. I do not approve of this character of legislation. I consider it of very doubtful constitutionality and full of danger to the South's foreign cotton market.

WAGSTAFF.

I am anxious to assist the cotton farmer, not only in Texas, but in the entire South, but am of the opinion nothing can be done by legislative enactment. Any cotton acreage reduction law would be an experiment which may prove to be a boomerang to the future prosperity of Texas' cotton crops. For each acre of cotton not planted in the South, two acres will be planted in Russia, India and Egypt where cheap labor is available.

McDOUGALD.

The following reasons are submitted in explanation of the record of my voting on legislation proposed for the purpose of cotton acreage regulation:

1. I believe that, viewed from the standpoint of the consumers' necessities, there is demand for cotton that existing purchasing power is incapable of satisfying, and that to this extent the question of decreasing production should have attention subsequent to consideration of the questions of under-consumption and the contributing causes, which course of action would, of necessity, involve the entire industrial, economic structure dealing with wages, commodity prices, etc.

2. I believe that legislation of the kind under consideration to such extent as it inheres of adaptability, is, by reason of the circumstances, largely confined in any of its possible uses, to the purpose of obtaining relief from an effect and will, in no consid-

erable manner, disturb the cause, the unmolested life of which, either of the prospective enactments will tend to extend.

3. In view of the fact that universal concurrence is not contemplated nor made one of the conditions, I believe that any of the proposed enactments will place the industry of America in a dangerously perilous position in the matter of maintaining its present position, with reference to markets and proportion of world production.

4. Assuming that a net benefit were possible over a period of time, in the event activities were adequately supported, I do not believe that the industry will volunteer, either the disposition nor the patience required in making effective the conclusions and courses of action prescribed by the economist.

5. Sentiment for such legislation as has been suggested, has appeared to me to have been supported, in considerable measure, by disposition, which, although doubtful about the certainty of permanent benefits, or actually anxious about the possibilities of final, harmful results, feels justified in asking for legislation upon the premise of hope that a temporary benefit will accrue. I share in the doubt about a permanent benefit; in the anxiety about final, harmful results and, in addition, I seriously doubt the likelihood of a temporary benefit.

NICHOLSON.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 17, 1931.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 13, A bill to be entitled "An Act to amend Article 7332, Chapter 10, Title 122, of the Revised Civil Statutes of Texas, 1925, as amended by the Act of the Forty-first Legislature passed at its Regular Session, and found in the published laws of said session, Chapter 143, pages 307-8, and as amended by the Acts of the Fourth Called Session of the Forty-first Legislature, as the same appear in the published laws of said session, Chapter 20, page 37, and as amended by the For-

ty-second Legislature at its Regular Session as same appears in the published laws of said session, Chapter 258, page 428, and providing that the officers herein named shall not be entitled to the fees provided for herein in delinquent tax suits until actual notice is given to the delinquent owner as provided for in Article 7324; to repeal all laws in conflict herewith, and declaring an emergency."

The Senate has adopted

S. C. R. No. 7, Relative to the distressed condition of the cotton industry of the South.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RELATIVE TO THE PASSAGE OF THE COTTON ACREAGE REDUCTION BILL.

Mr. Johnson of Dimmit offered the following resolution:

H. C. R. No. 6, Relative to the passage of the cotton acreage bill.

Whereas, The Forty-second Legislature of the State of Texas is now in its Second Called Session, having been convened by the Governor of Texas by proclamation and the submission of the following message:

To all to whom these presents shall come:

Whereas, The voice of the people is resounding through the South in a clamor of distress, seeking relief from their gravest agricultural crisis of modern years. Cotton prices are lower than the cost of production, and overproduction threatens an even greater demoralization of the market. Meanwhile, in the background looms the black shadow of soil deterioration, menacing oncoming cotton farmers with the ruinous heritage of worn-out land, such as has already blighted agriculture in older States; and

Whereas, Facing financial ruin, cotton farmers throughout Texas have been holding mass meetings and adding their concerted voices to the rising tide of pleas for legislative relief. Thousands have petitioned the Chief Executive to call a special session for enactment of laws to aid them, particularly by means of cotton acreage reduction. The welfare of civilization rests upon the shoulders of the farmer, and the burden

is ever a trying one. The government should be eager to extend him any reasonable assistance that he might deem necessary. If legislation can help Texas agriculture in its present emergency, I believe it my duty to convoke the Legislature in the interests of the State generally, as well as the tillers of the soil. I have waited and investigated until I have become convinced that a majority of Texas cotton farmers and their legislative representatives desire an emergency law, and I am now ready and glad to act in their behalf.

Now, therefore, I, R. S. Sterling, Governor of the State of Texas, do, by virtue of the authority vested in me by the Constitution and laws of this State, call a special session of the Forty-second Legislature, to be convened in the city of Austin, Texas, commencing at 12 o'clock noon, on Tuesday, September 8th, A. D. 1931, for the following purposes:

1. To enact such legislation as will adequately provide for soil conservation and the alleviation of the conditions of agriculture in Texas. * * *

In testimony whereof, I hereunto sign my name and cause to be impressed hereon the seal of the State of Texas, at Austin, this the 5th day of September, A. D. 1931.

(Seal) R. S. STERLING,
Governor of Texas.

By the Governor:
JANE Y. McCALLUM,
Secretary of State.
and

Whereas, It is apparent that the Legislature will enact certain legislation within the scope of the Governor's call, particularly tending to the preservation and conservation of the soil and the fertility thereof; and that in the enactment of such legislation certain restrictions will necessarily be made upon the farming industry of the State of Texas, and which restrictions if not applied to the other areas of the United States engaged in similar farming pursuits, as the growing of cotton and other soil-exhausting plants, will result in a discrimination against the public welfare, peace, happiness and prosperity of the people of Texas as compared with the other territory above referred to; and in order to prevent such discrimination it is the sense of the Legislature of the State of Texas that the Legislatures of all

other cotton-growing States in the United States of America be requested to adopt reciprocal legislation, and to express said thought this resolution is enacted. Now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That we hereby petition and request all other States of the United States engaged in the growing of cotton and other soil-exhausting plants to speedily consider and enact reciprocal legislation which will eliminate any economical discrimination, and with a resulting effect of a reduction in cotton acreage in the years 1932 and 1933, of not less than fifty per cent (50%) of the area in cotton in said respective States in the year 1931. Be it further

Resolved, That in the event such reciprocal legislation is not so enacted on or before the 20th day of January, A. D. 1932, by a sufficient number of the States as would be effective upon three-fourths (3/4) of the cotton production of the United States, then, and in that event because of said economical discrimination as would result as aforesaid, we, the members of the Senate and the House of Representatives pledge that we will petition the Governor for a call of the Legislature and attend a call for the purpose of repealing the enactment hereinabove referred to. Be it further

Resolved, That the Secretary of the State of Texas be and is hereby authorized and directed to secure a certified copy of all legislative enactments contemplated and requested in this resolution from each of the cotton-growing States of the United States as of the date January 20th, A. D. 1932, and to immediately submit said certified copies to the following committee, which is hereby constituted and which committee shall be composed of the following: The Governor of the State of Texas, the Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General and the Commissioner of Agriculture, and it shall be the duty of said committee to immediately examine said certified copies and determine from the season 1930-1931 according to the official statistics of the Agricultural Department of the United States whether or not the reciprocal legislation called for in this resolution has been enacted; and also

to immediately give said information to the press, and to officially notify each member of the Texas Legislature the result of their finding. Be it further

Resolved, That an authenticated copy of this resolution be forwarded to the Governor, to the presiding officer of the Senate, to the presiding officer of the House of Representatives, and to the Commissioner of Agriculture in each of the cotton-growing States.

JOHNSON of Dimmit,
FORD,
GILES,
TURNER,
MURPHY,
MOFFETT.

The resolution was read second time.

Mr. Metcalfe offered the following amendment to the resolution:

Amend House concurrent resolution No. 6 by striking out all of the second resolving clause.

The amendment was adopted.

House concurrent resolution No. 6 was then adopted.

TO PETITION PRESIDENT HOOVER TO CALL CERTAIN COTTON CONFERENCE.

Mr. Engelhard offered the following resolution:

H. C. R. No. 7, To petition President Hoover to call certain cotton conference.

Whereas, The growing of cotton is a world-wide industry; and

Whereas, It is highly desirable that the production of cotton should be, in so far as is practicable, adjusted as between said cotton-growing countries; and

Whereas, It is well recognized that the adoption of common practices and customs by various producers of any commodity inure to the benefit of the industry as a whole; be it therefore

Resolved by the House of Representatives, the Senate concurring, That the Honorable Herbert Hoover, President of the United States, be respectfully requested to call an international conference of representatives of cotton-producing countries to meet at Washington at the earliest practicable date for the purpose of considering any possible common action for the benefit of the cotton-

growing industry, and the economic welfare of the countries involved. Be it further

Resolved, That each cotton-growing State of the United States be, and is hereby requested, to likewise petition President Hoover to call said conference, and that a copy of this resolution be sent to the President of the United States, and to the Governor, Commissioner of Agriculture, and the presiding officers of the Senate and House of each cotton-growing State of the United States.

ENGELHARD,
LEE,
GILBERT,
SPARKMAN,
DONNELL.

The resolution was read second time, and was adopted.

RELATIVE TO COTTON OF THE AMERICAN COTTON CO-OPERATIVE ASSOCIATION.

Mr. Westbrook offered the following resolution:

H. C. R. No. 10, Relative to cotton of the American Cotton Co-operative Association.

Whereas, It is reliably reported that the Federal Farm Board controls through the Cotton Stabilization Corporation and the American Cotton Co-operative Association an aggregate of more than three million bales of the total carry-over of American cotton of nine million bales, and

Whereas, The Federal Farm Board was created for the purpose of aiding all the cotton growers of the United States, and

Whereas, Practically the entire amount of government money available for cotton from the Federal Farm Board is invested in the cotton held by the Cotton Stabilization Corporation and the American Cotton Co-operative Association, and,

Whereas, This vast amount of cotton under the control of a single agency constitutes a menace to the market which prevents private buyers of cotton from making purchases which they would ordinarily make, thereby keeping the market in a depressed and constantly declining condition, and wreaking untold harm upon all the cotton growers of the United States, and,

Whereas, The definite lifting of these huge stocks from the immediately available supply would restore the confidence of the trade and of investment buyers, and would greatly alleviate present distressing conditions, be it therefore

Resolved by the House of Representatives of the Texas Legislature, the Senate concurring, That the Federal Farm Board be formally requested to acquire without delay all of the cotton of the American Cotton Co-operative Association, for the account of the Cotton Stabilization Corporation, and that it then declare that all cotton owned by the Cotton Stabilization Corporation will be held as a stabilization operation until January 1st, 1934, and that it will then be disposed of at the rate of two hundred and fifty thousand bales for each following three months' period until the entire stock is sold, and, be it further

Resolved, That the Legislatures of all other cotton-growing States be and are hereby urgently requested to adopt resolutions similar to this resolution and take such other action as they may see fit to accomplish the purposes of this resolution, and that a certified copy hereof be forwarded to the Governors, Commissioners of Agriculture and the presiding officers of the Senate and House of all other cotton-growing States; and be it further

Resolved, That a certified copy of these resolutions be forwarded to each Texas member of the National House of Representatives and to the two Senators, and that they be urged to act as a body in conjunction with Representatives and Senators from other cotton-growing States to accomplish the purposes of this resolution.

WESTBROOK,
PETSCH,
FORD,
MOFFETT,
JOHNSON of Dimmit,
MURPHY,
TURNER.

The resolution was read second time, and was adopted.

SPECIAL ORDER SET.

Mr. Greathouse moved that House bill No. 31 be set as a special order for 9 o'clock a. m., Friday, September 18.

The motion prevailed.

RELATIVE TO COMMODITY LOANS TO FOREIGN NATIONS.

Mr. Westbrook offered the following resolution:

H. C. R. No. 11, Relative to commodity loans to foreign countries.

Whereas, The preponderance of the world's gold supply is at present in the United States, thereby making it possible for this country to extend credits almost without limit; and

Whereas, Those countries which are now eager to purchase cotton and other agricultural commodities from us do not have either the gold to pay for them nor, on account of the stagnation in international trade, the credits normally accruing from the sale or exchange with us of their goods; and

Whereas, The surplus of agricultural commodities, particularly cotton, has reached such proportions that it is ruining our producers and rapidly destroying all other values even to the extent of impairing the ability of the government itself to function; and

Whereas, The most orderly and proper means for remedying this alarming condition is to get these surpluses into consumption; be it therefore

Resolved by the House of Representatives of the Texas Legislature, the Senate concurring, That His Excellency, Herbert Hoover, President of the United States, be respectfully urged to take any and all steps within his power to see that credits totaling not less than one billion dollars (\$1,000,000,000) be extended in the form of commodity loans to foreign nations, said loans to be at a low rate of interest and to extend for a sufficient period of time to permit international trade to become normal, and the proceeds of said loans to be limited to the purchase of American agricultural commodities through normal commercial channels; and be it further

Resolved, That each of the other cotton-growing States of the United States be requested to likewise petition President Hoover, and that a copy of this resolution be forwarded to each Texas member of the National Congress and Senate and that they be urged to act as a body in conjunction with Representatives and

Senators from other cotton-growing States to accomplish the purposes of this resolution, and that a copy hereof be forwarded to the Governor, Commissioners of Agriculture and the presiding officers of the Senate and House of each cotton-growing State of the United States.

WESTBROOK,
TARWATER,
PETSCH,
FORD,
HOWSLEY,
JOHNSON of Dimmit.

The resolution was read second time, and was adopted.

**PROVIDING FOR A COMMITTEE
TO VISIT CERTAIN STATES
IN THE INTEREST OF
THE COTTON IN-
DUSTRY.**

Mr. Giles offered the following resolution:

H. C. R. No. 8, Providing for a committee to visit certain States in the interest of the cotton industry.

Whereas, In the event this Special Session of the Forty-second Legislature enacts legislation for preservation, conservation and development of the soil, and the fertility thereof, and the alleviation of the conditions of agriculture in Texas, and also enacts a House concurrent resolution or other measure requesting other cotton-growing States to enact certain reciprocal legislation, it will be to the best interest of the public welfare of the State of Texas that all assistance possible be rendered by the State of Texas to forward said reciprocal legislation. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the following committee, which is hereby constituted and which shall be composed of the Governor of the State of Texas, the Lieutenant Governor, the Speaker of the House of Representatives, and the Commissioner of Agriculture, is vested with the authority to attend upon the legislative sessions of the cotton-growing States, respectively, while considering such reciprocal legislation, and in the event they cannot attend any or all of the sessions of the different States they are given the further authority and it is made their further duty to appoint from the membership of the Legislature additional official Texas

representatives, and it is the sense of the Legislature that such representatives should be chosen so that one of said representatives can attend the Senate branch and one the Representative branch, and that such representatives as are chosen from the membership of the Legislature shall be, where practicable, chosen equally from the Senate of Texas for Senate representation and from the House of Texas for House representation; provided, however, that not more than two official representatives for each State are authorized hereby. Be it further

Resolved, That there is hereby appropriated the sum of five thousand dollars (\$5000), or so much thereof as may be necessary, from the contingent fund of the Forty-second Legislature or any special session thereof, to defray the actual cash expenses necessarily incurred, to be paid out upon the sworn itemized statement of such representative, to be approved by the Lieutenant Governor and the Speaker of the House.

MOFFETT,
BARRON,
METCALFE,
PETSCH,
GILES,
FORD,
FUCHS.

The resolution was read second time.

Mr. Giles moved that the resolution be laid on the table subject to call.

On motion of Mr. Satterwhite, the resolution was tabled.

**COMMENDING CERTAIN
NEWSPAPERS.**

Mr. Harrison of El Paso offered the following resolution:

Whereas, the low price of cotton has resulted in the present deplorable condition of those farmers engaged in the production of cotton; and

Whereas, One of the most practical means of assisting the cotton farmer and those dependent upon him is to increase the present and develop other markets for cotton; and

Whereas, The Memphis Press-Scimitar, a newspaper published by the Scripps-Howard interest, has inaugurated a campaign urging various classes of the population to make small purchases of cotton goods and the other products of cotton, and

has adopted the slogan "Don't Holler—Spend a Dollar—For Cotton;" and

Whereas, The El Paso Herald Post and the Houston Press, both newspapers published by the Scripps-Howard interest have adopted the plan of the Memphis Press-Scimitar and are endorsing the campaign editorially and with advertisements and news items; and

Whereas, Much material benefit will accrue to the farmers and those engaged in like industries from a successful campaign of this nature; now, therefore, be it

Resolved by the members of the House of Representatives, That the particular activities above mentioned of the newspapers named in this resolution be commended, and that they be urged to continue such campaign, and that other newspapers be requested to assist in the campaign and that the population as a whole be urged to make purchases as has heretofore been outlined in the editorials of the newspapers mentioned, and that a copy of this resolution, duly authenticated, be sent to the editors of the Memphis Press-Scimitar, the El Paso Herald-Post, and the Houston Press.

Signed—Harrison of El Paso, Leonard, Jackson, Sparkman, Hill, Walker, Hatchitt, Finn, McCombs, Anderson, Nicholson, Ramsey, Jones of Shelby, Adams of Jasper, Hefley, Boyd, Ratliff, Kennedy, Justiss, Cunningham, McGill, Johnson of Dallam, Dowell, Dale, West of Coryell, Sullivan, Gilbert, Lemens, Alsup, Hoskins, Graves, Holland, Sherrill, Brooks, Ford, Cox of Lamar, Savage, Akin, Strong, Dodd, Weinert, Mathis, Tarwater, Johnson of Morris, Holloway.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 33 ON THIRD READING.

Mr. West of Cameron moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.

Mr. Speaker.	Johnson
Adams of Jasper.	of Dimmit.
Adamson.	Jones of Atascosa.
Adkins.	Justiss.
Baker.	Kennedy.
Barron.	Laird.
Beck.	Lee.
Bond.	Lemens.
Bounds.	Leonard.
Boyd.	Lockhart.
Brice.	McCombs.
Burns of Walker.	McDougald.
Burns	McGill.
of McCulloch.	McGregor.
Carpenter.	Magee.
Caven.	Metcalfe.
Coltrin.	Moffett.
Coombes.	Moore.
Cox of Lamar.	Morse.
Cox of Limestone.	Munson.
Cunningham.	Olsen.
Dale.	O'Quinn.
Davis.	Petsch.
DeWolfe.	Ratliff.
Dodd.	Ray.
Donnell.	Richardson.
Dowell.	Rountree.
Dunlap.	Sanders.
Elliott.	Satterwhite.
Engelhard.	Savage.
Farmer.	Scott.
Ferguson.	Shelton.
Fisher.	Sherrill.
Forbes.	Smith of Bastrop.
Fuchs.	Smith of Wood.
Gilbert.	Sparkman.
Giles.	Stephens.
Goodman.	Stevenson.
Greathouse.	Strong.
Hanson.	Terrell
Hatchitt.	of Cherokee.
Herzik.	Towery.
Hill.	Turner.
Hines.	Van Zandt.
Holder.	Veatch.
Holloway.	Walker.
Hoskins.	Weinert.
Hubbard.	West of Coryell.
Jackson.	West of Cameron.
Johnson	Westbrook.
of Dallam.	Wiggs.

Nays—3.

Harman.	Keller.
Hughes.	

Absent.

Adams of Harris.	Claunch.
Akin.	Daniel.
Alsup.	Duvall.
Anderson.	Dwyer.
Brooks.	Finn.
Bryant.	Ford.

Graves.	Murphy.
Grogan.	Nicholson.
Hardy.	Patterson.
Harrison	Pope.
of El Paso.	Ramsey.
Harrison	Reader.
of Waller.	Rogers.
Hefley.	Sullivant.
Holland.	Tarwater.
Howsley.	Terrell
Johnson of Morris.	of Val Verde.
Jones of Shelby.	Vaughan.
Lilley.	Wagstaff.
Long.	Wyatt.
Martin.	Young.
Mathis.	

Absent—Excused.

Albritton.	Mehl.
Bedford.	Lasseter.
Bradley.	Steward.
Farrar.	Warwick.
Kayton.	

The Speaker then laid House bill No. 33 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Fuchs.
Adams of Jasper.	Gilbert.
Adamson.	Goodman.
Adkins.	Greathouse.
Alsup.	Hanson.
Baker.	Harrison
Barron.	of El Paso.
Beck.	Hatchitt.
Bounds.	Herzik.
Boyd.	Hill.
Brice.	Hines.
Brooks.	Holder.
Burns of Walker.	Holland.
Burns	Holloway.
of McCulloch.	Hoskins.
Caven.	Howsley.
Coltrin.	Hubbard.
Coombes.	Jackson.
Cox of Lamar.	Johnson
Cox of Limestone.	of Dallam.
Cunningham.	Johnson of Morris.
Dale.	Jones of Atascosa.
Davis.	Justiss.
DeWolfe.	Kennedy.
Dodd.	Laird.
Donnell.	Lee.
Dowell.	Lemens.
Dunlap.	Leonard.
Duvall.	Lockhart.
Elliott.	McCombs.
Engelhard.	McDougald.
Farmer.	McGill.
Ferguson.	McGregor.
Fisher.	Magee.
Forbes.	Metcalf.

Moffett.	Sherrill.
Moore.	Smith of Bastrop.
Morse.	Smith of Wood.
Munson.	Sparkman.
Olsen.	Strong.
O'Quinn.	Sullivant.
Patterson.	Towery.
Petsch.	Turner.
Ratliff.	Van Zandt.
Ray.	Veatch.
Richardson.	Walker.
Rountree.	Weinert.
Sanders.	West of Coryell.
Satterwhite.	West of Cameron.
Savage.	Westbrook.
Scott.	Wiggs.
Shelton.	

Nays—3.

Harman.	Tarwater.
Hughes.	

Absent.

Adams of Harris.	Lilley.
Akin.	Long.
Anderson.	Martin.
Bond.	Mathis.
Bryant.	Murphy.
Carpenter.	Nicholson.
Claunch.	Pope.
Daniel.	Ramsey.
Dwyer.	Reader.
Finn.	Rogers.
Ford.	Stephens.
Giles.	Stevenson.
Graves.	Terrell
Grogan.	of Cherokee.
Hardy.	Terrell
Harrison	of Val Verde.
of Waller.	Vaughan.
Hefley.	Wagstaff.
Jones of Shelby.	Wyatt.
Keller.	Young.

Absent—Excused.

Albritton.	Lasseter.
Bedford.	Mehl.
Bradley.	Steward.
Farrar.	Warwick.
Kayton.	

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, September 17, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 18, A bill to be entitled "An Act to authorize any county in this State having any claim for money against any person, partnership, corporation, joint stock or other

association, to purchase the property of such debtor or debtors, at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceedings whatever, whenever the commissioners court of said county, for such price as the commissioners court may deem advisable and for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; further authorizing the commissioners court of any such county to borrow money on the credit of the county, and to execute, or cause to be executed the obligations of the county therefor, for the purpose of making such purchases; and further authorizing such county to pledge, hypothecate or mortgage any property so purchased to secure the payment of all sums so borrowed; giving and granting to the commissioners court full power and authority to determine upon what terms, for what length of time, and at what rate of interest said sums shall be borrowed; further authorizing said commissioners court to liquidate all assets so purchased for the use and benefit of the county in any manner that a private individual might liquidate such assets, to sell and convey all or any part of such property so acquired, either for cash or upon credit, for such length of time and at such rate of interest as it may deem advisable, and to sue upon any obligations so acquired or contracted to be paid to such county; further authorizing the commissioners court to pay the necessary cost and expense incurred in connection therewith from such property or the proceeds thereof; further providing that the net proceeds received by the county from such liquidation shall be paid into the respective funds of the county to which such claim originally belonged pro rata; repealing all laws in conflict herewith, and declaring an emergency."

Respectfully,
BOB BARKER,
 Secretary of the Senate.

HOUSE BILL NO. 30 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mr. Jones of Atascosa, the regular order of business

was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 30, A bill to be entitled "An Act repealing House bill No. 943, Chapter 159, page 311, of the Special Laws passed at the Regular Session of the Forty-second Legislature, as amended by House bill No. 37, Chapter 21, of the General and Special Laws of the First Called Session of the Forty-second Legislature, 1931, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 30 ON THIRD READING.

Mr. Jones of Atascosa moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Mr. Speaker.	Fuchs.
Adams of Jasper.	Gilbert.
Adkins.	Goodman.
Akin.	Greathouse.
Alsup.	Hanson.
Baker.	Harrison
Barron.	of El Paso.
Beck.	Hatchitt.
Bond.	Herzik.
Bounds.	Hill.
Boyd.	Hines.
Brice.	Holder.
Brooks.	Holland.
Burns of Walker.	Holloway.
Burns	Hoskins.
of McCulloch.	Howsley.
Carpenter.	Hubbard.
Caven.	Hughes.
Coltrin.	Jackson.
Coombes.	Johnson
Cox of Lamar.	of Dallam.
Cox of Limestone.	Johnson
Cunningham.	of Dimmit.
Dale.	Johnson of Morris.
DeWolfe.	Jones of Atascosa.
Dodd.	Justiss.
Donnell.	Keller.
Dowell.	Kennedy.
Dwyer.	Laird.
Elliott.	Lee.
Engelhard.	Lemens.
Farmer.	Leonard.
Ferguson.	Lockhart.
Fisher.	McCombs.
Forbes.	McDougald.

McGill.	Smith of Wood.
McGregor.	Sparkman.
Magee.	Stephens.
Metcalfe.	Stevenson.
Moffett.	Strong.
Morse.	Terrell
Munson.	of Cherokee.
Olsen.	Terrell
Petsch.	of Val Verde.
Ratliff.	Towery.
Ray.	Van Zandt.
Rountree.	Vaughan.
Satterwhite.	Veatch.
Savage.	Walker.
Scott.	West of Coryell.
Shelton.	West of Cameron.
Sherrill.	Westbrook.
Smith of Bastrop.	Wiggs.

Absent.

Adams of Harris.	Long.
Adamson.	Martin.
Anderson.	Mathis.
Bryant.	Moore.
Claunch.	Murphy.
Daniel.	Nicholson.
Davis.	O'Quinn.
Dunlap.	Patterson.
Duvall.	Pope.
Finn.	Ramsey.
Ford.	Reader.
Giles.	Richardson.
Graves.	Rogers.
Grogan.	Sanders.
Hardy.	Sullivant.
Harman.	Tarwater.
Harrison	Turner.
of Waller.	Wagstaff.
Hefley.	Weinert.
Jones of Shelby.	Wyatt.
Lilley.	Young.

Absent—Excused.

Albritton.	Lasseter.
Bedford.	Mehl.
Bradley.	Steward.
Farrar.	Warwick.
Kayton.	

The Speaker then laid House bill No. 30 before the House on its third reading and final passage.

The bill was read third time, and passed by the following vote:

Yeas—100.

Mr. Speaker.	Bounds.
Adams of Jasper.	Boyd.
Adkins.	Brice.
Akin.	Brooks.
Alsup.	Burns of Walker.
Baker.	Burns
Barron.	of McCulloch.
Beck.	Caven.
Bond.	Coltrin.

Coombes.	Lockhart.
Cox of Lamar.	McCombs.
Cox of Limestone.	McDougald.
Cunningham.	McGill.
Dale.	McGregor.
DeWolfe.	Magee.
Dodd.	Moffett.
Donnell.	Moore.
Dowell.	Morse.
Elliott.	Munson.
Engelhard.	Olsen.
Farmer.	O'Quinn.
Ferguson.	Patterson.
Fisher.	Petsch.
Forbes.	Ratliff.
Ford.	Ray.
Fuchs.	Rogers.
Gilbert.	Rountree.
Goodman.	Sanders.
Greathouse.	Satterwhite.
Hanson.	Savage.
Harman.	Scott.
Hatchitt.	Sherrill.
Herzik.	Smith of Bastrop.
Hill.	Smith of Wood.
Hines.	Sparkman.
Holder.	Stevenson.
Holloway.	Strong.
Hoskins.	Tarwater.
Howsley.	Terrell
Hubbard.	of Cherokee.
Jackson.	Terrell
Johnson	of Val Verde.
of Dallam.	Towery.
Johnson	Turner.
of Dimmit.	Van Zandt.
Jones of Atascosa.	Vaughan.
Justiss.	Veatch.
Keller.	Walker.
Kennedy.	West of Coryell.
Laird.	West of Cameron.
Lee.	Westbrook.
Lemens.	Wiggs.
Leonard.	

Absent.

Adams of Harris.	Hefley.
Adamson.	Holland.
Anderson.	Hughes.
Bryant.	Johns of Morris.
Carpenter.	Jones of Shelby.
Claunch.	Lilley.
Daniel.	Long.
Davis.	Martin.
Dunlap.	Mathis.
Duvall.	Metcalfe.
Dwyer.	Murphy.
Finn.	Nicholson.
Giles.	Pope.
Graves.	Ramsey.
Grogan.	Reader.
Hardy.	Richardson.
Harrison	Shelton.
of El Paso.	Stephens.
Harrison	Sullivant.
of Waller.	Wagstaff.

Weinert.
Wyatt.

Young.

Absent—Excused.

Albritton.
Bedford.
Bradley.
Farrar.
Kayton.

Lasseter.
Mehl.
Steward.
Warwick.

HOUSE BILL NO. 44 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 44, A bill to be entitled "An Act to amend Chapter 47 of the Acts of the First Called Session of the Forty-first Legislature, as amended by Chapter 140 of the Acts of the Regular Session of the Forty-second Legislature, so as to provide that neither said act nor said act so amended shall apply to nor affect any county in this State which is subject to the provisions of Chapter 82 of the General and Special Laws of the Regular Session of the Fortieth Legislature, being Senate bill No. 375 of said session, published on page 124 of said laws, and to validate all consolidations of school districts and other acts of the county board of school trustees of all counties subject to the provisions of said Chapter 82, heretofore consummated or performed, and declaring an emergency."

The bill was read second time.

Mr. Coombes raised a point of order on further consideration of the bill at this time, on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

The House sustained the point of order.

(Speaker in the chair.)

Mr. Howsley moved to reconsider the vote by which the House sustained the point of order.

The motion to reconsider prevailed.

The House then overruled the point of order.

Question—Shall the bill be passed to engrossment?

HOUSE BILL NO. 47 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 47, A bill to be entitled "An Act ratifying and validating Edcouch-Elsa Independent School District, ratifying and validating the proceedings of the board of county school trustees of Hidalgo county in annexing territory thereto, ratifying and validating the proceedings of the board of school trustees of Hidalgo county in detaching territory therefrom, ratifying and validating the petitions of voters residing in territory annexed and detached, and actions thereon by the board of trustees of Edcouch-Elsa Independent School District, by the board of trustees of Common School District No. 2, Hidalgo county, and also by the board of county school trustees of Hidalgo county annexing territory, being a portion of Common School District No. 2, Hidalgo county, and detaching territory from Edcouch-Elsa Independent School District, defining and describing Edcouch-Elsa Independent School District after such annexation and detachment, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

NOTICES GIVEN.

Mr. Sanders gave notice that he would, on tomorrow, move to take up for consideration at that time, House concurrent resolution No. 12, which resolution had heretofore been laid on the table subject to call.

Mr. Terrell of Cherokee gave notice that he would, on tomorrow, move to take up for consideration at that time House concurrent resolution No. 13, which resolution had heretofore been laid on the table subject to call.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 13, to the Committee on Judiciary.

Senate bill No. 18, to the Committee on Judiciary.

HOUSE BILL NO. 49 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 49, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-first Legislature, Regular Session, Chapter 112, page 256, as further amended by the Acts of the Forty-second Legislature, Regular Session, Chapter 123, page 235, of the Special Laws of said Forty-second Legislature, providing that said article as so amended shall also apply to any county having a population of seventy-five thousand (75,000) inhabitants or more, according to the last preceding Federal census and each succeeding Federal census thereafter, which have voted road and bridge bonds amounting to six million dollars (\$6,000,000) or more, and flood protection bonds amounting to one million dollars (\$1,000,000) or more, where there is no district attorney and having two or more district courts and in which the county attorney acts as district attorney, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

ADJOURNMENT.

On motion of Mr. Morse, the House, at 5:40 o'clock p. m., adjourned until 9 o'clock a. m., tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Live Stock and Stock Raising: House bill No. 52.

Judiciary: House bill No. 46.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, September 17, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 33, A bill to be entitled

"An Act waiving the right of the State of Texas to enter upon, for the purpose of development of mines, minerals and mineral rights, including oil and gas thereunder, all lands heretofore granted, or that may hereafter be granted, under Article 8225, of the Revised Statutes, to any navigation district, and by such district conveyed, or that may hereafter be conveyed, to the United States of America for navigation purposes, so long as such lands shall be used by the United States of America, or such navigation district, for navigation purposes, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

SIXTH DAY.

(Friday, September 18, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Elliott.
Adams of Jasper.	Engelhard.
Adamson.	Farmer.
Adkins.	Ferguson.
Akin.	Finn.
Alsup.	Fisher.
Baker.	Forbes.
Barron.	Ford.
Beck.	Fuchs.
Bond.	Gilbert.
Bounds.	Giles.
Boyd.	Goodman.
Bradley.	Graves.
Brice.	Greathouse.
Brooks.	Grogan.
Burns of Walker.	Hanson.
Burns of McCulloch.	Hardy.
Carpenter.	Harman.
Caven.	Harrison of El Paso.
Coltrin.	Harrison of Waller.
Coombes.	Hatchitt.
Cox of Lamar.	Hefley.
Cox of Limestone.	Herzik.
Cunningham.	Hill.
Dale.	Hines.
Davis.	Holder.
DeWolfe.	Holland.
Dodd.	Holloway.
Donnell.	Hoskins.
Dowell.	Howsley.
Dunlap.	Hubbard.
Dwyer.	